

Remarks

Claims 44, 45, 47, 48 and 50 are pending in the subject application. By this Amendment, the applicants have amended claims 44, 45 and 47. Support for the amendments to the claims can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 44, 45, 47, 48 and 50 remain before the Examiner. Favorable consideration of the pending claims is earnestly solicited.

These amendments should not be taken as an indication of the applicants' agreement with, or acquiescence to, the rejections of record. Rather, these amendments have been made in an effort to expedite prosecution and to more clearly focus the claims on allowable subject matter.

Claims 44, 45, 47, 48 and 50 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The claims have been amended herein to address the issues raised by the Examiner and to lend greater clarity to the claimed subject matter. The applicants appreciate the Examiner's careful review of the claims. The applicants believe that the claims, as amended, clearly set forth the metes and bounds of the claimed subject matter. Accordingly, the applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

Claims 44 has been rejected under 35 U.S.C. §102(b) as being anticipated by Hülsken *et al.*, 1994 (*The Journal of Cell Biology* 127:2061-2069). The applicants respectfully traverse this grounds for rejection because the Hülsken *et al.* reference does not disclose or suggest the specific advantageous peptides and polypeptides of the current invention.

It is basic premise of patent law that, in order to anticipate, a single prior art reference must disclose within its four corners, each and every element of the claimed invention. In *Lindemann v. American Hoist and Derrick Co.*, 221 USPQ 481 (Fed. Cir. 1984), the court stated:

Anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. *Connell v. Sears Roebuck and Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983); *SSIH Equip. S.A. v. USITC*, 718 F.2d 365, 216 USPQ 678 (Fed. Cir. 1983). In deciding the issue of anticipation, the [examiner] must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference.

SSIH, supra; Kalman v. Kimberly-Clarke, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983)] (emphasis added). 221 USPQ at 485.

The Hülsken *et al.* reference does not disclose or suggest the claimed peptides or polypeptides. Accordingly, the applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §102(b) based on the Hülsken *et al.* reference.

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Registration No. 45,332
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

DRS/la